FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

Second Appeal No. 2/2007

Appeal	District :
Application No.	of 200
Writ petition	

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : Smt. V. A. Naik, J.
DATED : March 5, 2007.

Heard the learned counsel for the parties.

The appellant is the original plaintiff who had filed a suit for declaration and permanent injunction against the other co-owners. Both the Courts have held that the plaintiff has failed to prove that the plaintiff is the sole proprietor and owner of Maharana Groups of Mills, and entitled to legal and valid possession under the agreement of transfer dated 1/4/1992.

In view of the aforesaid findings of facts recorded by the trial and the appellate Courts, and in view of the settled position of law that one of the coparceners cannot seek injunction to exclude the other from the joint enjoyment of the property, the trial and the appellate Court refused to grant any relief in favour of the plaintiff.

Since the findings recorded by both the Courts are pure findings of facts, no substantial question of law arises for consideration in this second appeal.

Second appeal is consequently dismissed with no order as to costs.

JUDGE

RMP